

**DIRECTORATE OF DISTANCE EDUCATION
NALSAR UNIVERSITY OF LAW, HYDERABAD**

**P.G.DIPLOMA IN FAMILY DISPUTE RESOLUTION
2019 – 2020**

Take Home - Annual Exams (August, 2020)

PAPER I - 1.1. Family, Marriage and Matrimonial Remedies

TOTAL MARKS: 100

INSTRUCTIONS TO CANDIDATES

- a) Please mention your name, ID No. and Subject name on the Answer Sheet.**
- b) Only typewritten answers will be accepted.**
- c) Clearly indicate the question numbers while answering them.**
- d) Answer all the questions given below. Each question is for 25 Marks.**
- e) The word limit is mentioned to give an approximate idea about the length of the answer.**
- f) Cut and paste of any material either from reading material or from internet will result in rejection of answer-sheet, which means a failure with zero marks. No plagiarism.**
- g) Do not consult other students as that has every chance of coming within the purview of plagiarism.**

Answer the following questions:

Q1 (a): In India, the Hindus, Muslims, Christians, Parsis and Jews have their own personal laws. All these communities claim their laws to be divine in their original form. However, much water has flown under the bridge. In recent times, personal laws have undergone to certain changes through legislative and judicial processes. The concepts of sacrosanctity, holy-union and contractual obligations have also subject to different structural, functional and normative changes. Article 44 of the Indian Constitution provides that the State shall endeavor to secure for its citizens a Uniform Civil Code throughout the territory of India. The State is empowered to enact laws for the welfare of the people. But the laws made by the State whether it is public or private must be in conformity with the Constitution. Justify. **(15 Marks)** (Word Limit: 300 - 350)

(b) There is no specific legislation in India dealing with the 'live-in relationship'. The Protection of Women from the Domestic Violence Act, 2005 is the only legislation, which has recognized non-marital adult heterosexual relationships. The main objective of the Act of 2005 is to afford protection to the females subjected to abuse, not only in the relationship of marriage, but also any 'relationship in the nature of marriage' and seeks to denounce domestic violence upon women. The nature, status, rights and obligations and legality of live-in-relationship is always a subject matter of dispute in the court of law. Critically examine the ramifications?

(10 Marks) (Word Limit: 250-300)

Q2 (a): When either spouse has, without reasonable excuse, withdrawn from the society of the other, the aggrieved party may apply, by petition to the court, for restitution of conjugal rights. The court, on being satisfied of the truth of the statements may pass an order of decree of restitution of conjugal rights. The purpose of the granting of the order of the court is to bring back the normal relationship between the spouses but there is a much legal controversy on the institution of restitution of conjugal rights. Critically examine the precedents of the High Courts and the Supreme Court in this context. **(15 Marks)** (Word Limit: 300-350)

(b): The Prophet of Islam is reported to have said "with Allah, the most detestable of all things permitted is divorce", and towards the end of his life he practically forbade its exercise by men without intervention of an arbiter or a judge. In the light of this statement, justify the different modes of Talaq and recent developments under Islamic Personal Law in India.

(10 Marks) (Word Limit: 250-300)

Q3: In **Roopa Reddy v. Prabhakar Reddy** (1993), the Division bench of Karnataka High Court categorically said that the intention of the legislature in introducing Section 13-B is to liberalize and unlock the wedlock. The words used in this Section shall have to be read in the context in which the provision has been made by the legislature enabling the unwilling parties to seek divorce instantaneously and thus bring an end to their untold misery. Therefore, the Court observed that the six months period mentioned in the Act may not be strictly complied with. The Court also observed that Section 13-B(2) is directory in nature and it has been incorporated to help two discordant spouses to get quick separation and lead their remaining life without any agony. Do you agree with the view of the Karnataka High Court? Justify.

(25 Marks) (Word Limit: 600-700)

Q4 (a): The law openly states that one who approaches the court should come with clean hands. The legal impediments imposed on seeking matrimonial relief gives total effect to this principle. The court while granting the relief in matrimonial law, should examine various other ancillary remedies such as the custody of children, matrimonial property, maintenance and other incidental reliefs. Discuss

(15 Marks) (Word Limit: 300-350)

(b): The relief of maintenance under the personal law not only grants the immediate needs to meet the exigencies of the aggrieved spouse but to allow the parties to get the quantum of maintenance according the social and economic needs of the aggrieved party and the paying capacity of the respondent. – Judge and analyze the statement.

(10 Marks) (Word Limit: 250-300)